

UAC INSURANCE MUTUAL

Board of Trustees Meeting

Friday, January 26, 2001, 9:30 a.m.
Utah Association of Counties Building

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9:30	Call to Order	Gary Herbert
	Review of Board Members Absent	Gary Herbert
	Approval of December 21 Minutes	Gary Herbert
	Driver Policy	Mark Brady Steve Baker
	Risk Management Program & 2000 Premium Credits	Mark Brady
	Broker's Report	Jim Mochel
	Fourth Quarter 2000 Broker Review	Trustees
11:30	Lunch Break	
	Appoint Audit Committee Member	Trustees
	Director's Report	Shawn Guzman
	Revised Agreement for General Administrative Services	Brent Gardner
	Set Date and Time for Closed Meeting to Discuss Pending or Reasonably Imminent Litigation	
	Action on Litigation Matters	Kent Sundberg
	Set Date and Time for Closed Meeting to Discuss the Character, Professional Competence, Physical or Mental Health of an Individual	
1:30	Adjourn	

UACIM BOARD OF TRUSTEES MEETING

MINUTES

January 26, 2001, 9:30 a.m.
Utah Association of Counties Building

BOARD MEMBERS PRESENT

Gary Herbert, *President*, Utah County Commissioner
Dan McConkie, *Vice President*, Davis County Commissioner
Ken Bischoff, *Secretary-Treasurer*, Weber County Commissioner
Kay Blackwell, Piute County Commissioner
Lynn Lemon, Cache County Executive
Ty Lewis, San Juan County Commissioner
Royal Norman, Box Elder County Commissioner
Tex Olsen, Sevier County Commissioner
Kent Sundberg, Utah County Deputy Attorney

BOARD MEMBERS ABSENT

LaVar Cox, Millard County Commissioner
Ed Phillips, Millard County Sheriff

OTHERS PRESENT

Steve Baker, Davis County Personnel Director
Brent Gardner, UAC Executive Director
Shawn Guzman, UACIM Director
Mark Brady, UACIM Loss Control Manager
Sonya White, UACIM Administrative Assistant
Jim Mochel, GRMS Executive

CALL to ORDER

Gary Herbert called the meeting to order and welcomed those in attendance.

REVIEW of BOARD MEMBERS ABSENT

LaVar Cox requested to be excused from this meeting as he is recuperating from surgery. Ed Phillips is attending a funeral and requested to be excused from this meeting. Ken Bischoff made a motion to excuse LaVar Cox and Ed Phillips from this meeting. Royal Norman seconded the motion, which passed unanimously.

APPROVAL of MINUTES

The minutes of the Board of Trustees meeting held December 21, 2001 were previously sent to the Board Members for review. Royal Norman made a motion to approve the December 21, 2001 minutes as written. Dan McConkie seconded the motion, which passed unanimously.

DRIVER POLICY

Pursuant to the Board's direction, Steve Baker, as Chair of the UACIM Personnel Committee, called a meeting of the Committee on January 10 to review the Driver Policy. Steve prepared a draft policy based on the consensus of the Committee and upon the review and agreement of Mark Brady (see attachment 1). Recommended changes made to the August 18, 2001 Board adopted policy is: subsections five, six and seven which refer to training requirements. Since the policy will not be included in the 2001 Coverage Agreement, but written into the 2001 Risk Management Program, the Board requested that the term "insured" be defined. The Board requested that the Personnel Committee make a recommendation as to whether the definition of "insured" would include volunteers and upon their recommendation define "insured" in the policy. Tex Olsen made a motion to adopt the driver policy as presented by Steve Baker with the inclusion of the definition of "insured". Kent Sundberg made a motion to amend the motion changing subsection six to read, *require each insured who drives in the scope of employment*. Tex agreed with the amendment, Kay Blackwell seconded the motion, which passed unanimously.

2000 PREMIUM CREDITS

As directed by the Board, Mark Brady reported that he performed a risk management review of Davis County pursuant to the 2000 program. Mark prepared a spreadsheet showing the prerequisites of the Risk Management Program and the dates the information was received by each county (see attachment 2). Because of the questions and concerns surrounding the due date of the Motor Vehicle Reports (MVR), many counties had their renewal information to the Mutual on time but missed the deadline date for the MVRs. Those counties qualifying for a credit without question are: Box Elder, Cache, Duchesne, Emery, Grand, Iron, Juab, Millard, Sanpete, Sevier, Uintah, Utah and Wasatch. Royal Norman made a motion to allow 50% of the total qualifying amount to be credited to the following counties who submitted their MVRs late due to questions and/or concerns: Davis, Garfield, Kane, Piute, San Juan, Washington and Weber. Lynn Lemon seconded the motion, which passed. Ken Bischoff and Kent Sundberg opposed.

2001 RISK MANAGEMENT PROGRAM

Mark Brady reviewed the 2001 Risk Management Program with the Board (see attachment 3). The language of the approved driver policy with the definition of insured will be incorporated into section three. The due date for renewal information has been changed to April 18, the day scheduled for Insurance Coordinator Training, so that the information can be compiled and included in the Brokerage RFP. The only other change to the program is in section nine, wherein language has been changed regarding fire fighters. Ken Bischoff made a motion to approve the 2001 Risk Management Program with the changes presented and a maximum credit allocation of three-percent. Ty Lewis seconded the motion, which passed unanimously.

BROKER'S REPORT

Jim Mochel reported that a quote was given to Sonya White for an additional \$1 million limit on the Director's and Officers policy that will be reported on in the Director's Report. Gallaghers has received the authorization from Traveler's to correct the language in the certificate to reference Utah laws. Jim addressed the change in the Builders Risk coverage again and explained that the rate is competitive even though it is a first dollar charge for properties over \$5 million. Jim explained that Gallagher's is aware of the Mutual going to bid for their 2002 brokerage services and requested that the Board discuss any concerns they have with the services provided by Gallagher and if the Board will be including them in the RFP process. The Board decided to go into closed session to discuss the character, professional competence, physical or mental health of an individual.

FOURTH QUARTER 2000 BROKER REVIEW

Shawn Guzman reviewed Gallagher's performance for the fourth quarter 2000 with the Board. All measured criteria were met. Royal Norman made a motion to approve the fourth quarter 2000 brokerage bonus to be paid to Gallaghers. Lynn Lemon seconded the motion, which passed unanimously.

APPOINT AUDIT COMMITTEE MEMBER

The Audit Committee has lost its third member with the retirement of Sarah Ann Skanchy. Ty Lewis made a motion to appoint Lynn Lemon to the Audit Committee. Kent Sundberg seconded the motion, which passed unanimously.

SET DATE and TIME for CLOSED MEETING

Kay Blackwell made a motion setting the time and date for a closed meeting to begin at 11:25 a.m. on January 26, to discuss pending or reasonably imminent litigation. Lynn Lemon seconded the motion, which passed unanimously.

Ty Lewis made a motion to conclude the closed meeting at 11:45 a.m. on January 26. Lynn Lemon seconded the motion, which passed unanimously.

ACTION on LITIGATION MATTERS

Kent Sundberg made a motion to add Frank Mylar of Mylar and Trost to the UACIM approved attorney list. Ty Lewis seconded the motion, which passed unanimously.

Kent Sundberg made a motion to remove Snow Nuffer from claims WAS00088160 and WAS00087990 and assign Michael Homer and Jesse Trentadue of Sutter & Axland. Ty Lewis seconded the motion, which passed unanimously.

Kent Sundberg made a motion authorizing a Rule 68 Offer of \$20,000, plus reasonable attorney's fees, in the matter of claims WAS00088160 and WAS00087990. Tex Olsen seconded the motion, which passed unanimously.

DIRECTOR'S REPORT

McLaren's Claims Manager. Shawn Guzman reported that Jeff Powell has accepted a position with the Church of Jesus Christ of Latter Day Saints risk management department. His last day will be February 6. Kevin Lyndell of McLaren's Chicago will be conducting interviews February 8-9 to fill this position. The Board thanked Jeff for his service and wished him well in his new endeavors.

Request for Proposal (RFP). Shawn Guzman requested approval from the Board to begin the RFP process for brokerage services. Tex Olsen made a motion directing Shawn Guzman to begin the RFP process for brokerage services and to include in the RFP the performance measure criteria. Ken Bischoff seconded the motion, which passed unanimously.

UACIM Committees. Shawn Guzman reviewed the Committee listing with the Board (see attachment 4). The Law Enforcement Committee, constituted February 20, 1992, is actively functioning. The Litigation Management Committee, constituted February 20, 1992, is actively functioning. The Personnel Committee, constituted June 18, 1992, is actively functioning. The Rating Committee, constituted April 14, 1993 to review premium formula options, is no longer active and the Board requested it to be removed from the list. The Workers Comp Advisory Committee, constituted September 29, 1993 to review the possibility of the Mutual providing Workers Comp coverage to its members, is no longer active and the Board requested it to be removed from the list. The Audit Committee, constituted December 12, 1995, is actively functioning. The Advisory Committee, constituted June 13, 1997, is no longer active but the Board requested it to be kept on the list and activated as needed.

Insurance Department Audit. Shawn Guzman explained that the Mutual has not been officially notified but that the audit performed by the Insurance Department is close at hand. Brett Rich of Nielsen & Senior is representing URMMA in a petition to the Insurance Department for exemption from certain provisions of the Insurance Code. Mr. Rich has contacted the Mutual to provide the same service (see attachment 5). Tex Olsen made a motion directing Shawn to retain the services of Brett Rich to petition the Insurance Department on behalf of the Mutual. Royal Norman seconded the motion, which passed unanimously. The Board directed Shawn to present a revised budget to include the Insurance Department Audit fees and Brett Rich's fees at the next scheduled meeting.

Olympic Claims. Shawn Guzman reported that the Mutual has received its first Olympic related claim involving a volunteer that the Salt Lake Organizing Committee (SLOC) requested that a member county provide. The Board directed Shawn to draft a letter to SLOC stating that any volunteers made available through the county upon their request is considered to be a volunteer of SLOC not the county. A copy of the letter should be sent to all member counties with instructions that the SLOC forms must be completed for any volunteer they recruit on behalf of SLOC. Brent Gardner and Shawn will schedule a meeting with legislators to draft legislation that will exempt counties from occurrences arising from the 2002 Olympics.

Additional D&O Limits. Shawn Guzman reported that the premium to increase the Director's and Officers Errors and Omissions coverage to \$2 million is \$2416. This premium would be allocated between the Utah Association of Counties, UAC Insurance Mutual and the Multi County Appraisal Trust. The Board approved the additional premium for the limit increase.

REVISED AGREEMENT for GENERAL ADMINISTRATIVE SERVICES

The Board tabled Brent Gardner report relating to the revised agreement for general administrative services until the next meeting.

SET DATE and TIME for CLOSED MEETING

Tex Olsen made a motion setting the time and date for a closed meeting to begin at 1:15 p.m. on January 26, to discuss the character, professional competence, physical or mental health of an individual. Kay Blackwell seconded the motion, which passed unanimously.

Tex Olsen made a motion to conclude the closed meeting at 1:30 p.m. on January 26. Lynn Lemon seconded the motion, which passed unanimously.

OTHER BUSINESS

During the Board meeting the Trustees were joined by new Grand County Council Members, Langianese, Lewis and McNeeley. These Council Members were attending a workshop at the UAC Building and was invited into the Board meeting to ask any questions they may have regarding Grand County Claim GRA00087840. Shawn Guzman explained the exclusion in the coverage agreement for pollution and also explained that there is a provision in the agreement that provides for defense (council appointed by the Mutual) of inverse condemnation type claims up to an amount of \$25,000. Gary Herbert, Kent Sundberg, Brent Gardner and Shawn Guzman have scheduled to meet with Council Chair Schappert to discuss how the County would like to proceed with defense.

Brent Gardner reported that he and Gary Herbert had set a meeting with Council Chair Schappert that at the last minute they could not attend. Schappert had scheduled her attorney to attend the meeting and may be billed for his time. Brent requested that the Board consider paying these fees if Grand County is billed for the attorney's time. The Board will vote on this request if indeed Grand County is billed.

The next Board of Trustees meeting will be held Friday, February 16, 2001 at 10:00 a.m. at the UAC Building.

Approved on February 16, 2001



Ken Bischoff, UACIM Secretary-Treasurer, Weber County Commissioner

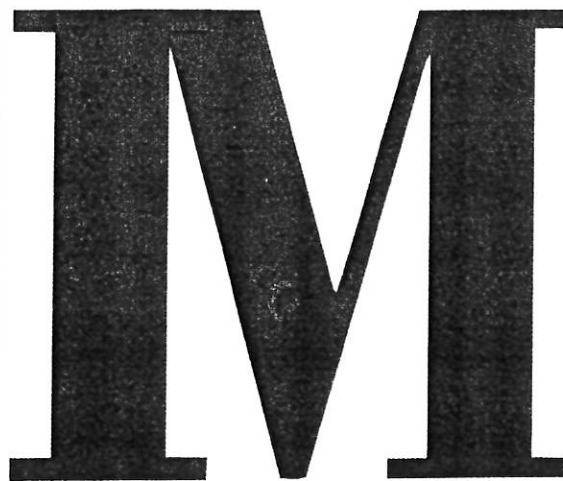
III. SPECIFIC CONDITIONS – AUTO LIABILITY SECTION

A. Each **Member** agrees to:

1. on or before June 1, 2001, obtain a current State of Utah Motor Vehicle Report for each **Insured** that the **Member** should reasonably anticipate will drive a motor vehicle in the scope of employment with the **Member** during the coverage period; and
2. provide a written statement to the **Mutual** on or before June 1, 2001, with the names of each **Insured** whose Motor Vehicle Report was obtained along with copies of the reports of any **Insured** who has any of the following offenses on the record:
 - i. a conviction for Driving Under the Influence of Alcohol, Drugs or with Specified or Unsafe Blood Alcohol Concentration, Alcohol Related Reckless Driving, or Reckless Driving during the last 12 months;
 - ii. has two or more moving violations during the last 12 months;
 - iii. has had their driver's license suspended or revoked during the last 12 months; and
3. maintain the records obtained for each **Insured** on file until June 1, 2002, and to make the records available for inspection by the **Mutual**; and
4. before extending an offer of employment, obtain a current State of Utah Motor Vehicle Report for each prospective employee who the **Member** should reasonably anticipate will drive a motor vehicle in the scope of employment, or, in the alternative, extending an offer of employment conditional upon the receipt and review of the report by the **Member**.
5. require each **Insured** as described in sub-section 1, above, who has an offense as set forth in subsection 2, above, to complete a driver training course which is approved by or, offered by the mutual, prior to September 1 of the current year.
6. require each Insured who drives a ~~county vehicle on a regular basis~~ to complete driver's training course which is approved by or, offered by the mutual every five years.
7. require each insured as described in subsection 1 above to complete a driver's training course which is approved by or offered by the mutual during the first year of employment.

2000 RENEWAL INFORMATION

COUNTY	DATE RENEWAL RECEIVED	MVR'S RECEIVED	CREDIT	% and \$
BEAVER	6/6/2000	4/20/2000 (run)	No	0
BOX ELDER	4/12/2000	5/31/2000	Credit	42.5% or \$2136
CACHE	4/12/2000	5/24/2000 (run)	Credit ?	43.0% or \$2510
CARBON	4/12/2000	6/30/2000	No	0
DAGGETT	-----	-----	No	0
DAVIS	6/8/2000 (postmarked)	6/8/2000 (postmarked)	Credit (?)	85% or \$9440
DUCHESNE	5/30/2000	5/30/2000	Credit	54.5% or \$1806
EMERY	4/12/2000	6/2/2000	Credit ?	72% or \$3566
GARFIELD	5/17/2000	6/12/2000	Credit ?	27% or \$521
GRAND	5/31/2000	5/25/2000 (run)	Credit ?	71.5% or \$1750
IRON	5/31/2000	3/22/2000	Credit	64.5% or \$2725
JUAB	4/12/2000	5/26/2000	Credit	79% or \$2241
KANE	4/12/2000	6/6/2000 (run)	Credit ?	71% or \$1340
MILLARD	4/12/2000	5/25/2000	Credit	91.5% or \$3101
PIUTE	4/12/2000	6/26/2000	Credit ?	37.5% or \$225
RICH	4/12/2000	6/28/2000	No	0
SAN JUAN	4/12/2000	8/3/2000	Credit ?	73.5% or \$3159
SANPETE	3/15/2000	1/25/2000	Credit	42% or \$1018
SEVIER	4/12/2000	5/26/2000	Credit	36% or \$792
UINTAH	4/12/2000	2/22/2000	Credit	67% \$3807
UTAH	4/19/2000	5/16/2000	Credit	100% or 11,125
WASATCH	4/4/2000	5/26/2000 (run)	Credit ?	58.5% or \$2362
WASHINGTON	4/12/2000	6/28/2000	Credit ?	45% or 2383
WAYNE		6/27/2000	No	0
WEBER	4/12/2000	6/29/2000	Credit ?	68% or \$5134



UTAH ASSOCIATION
OF COUNTIES
INSURANCE MUTUAL

2001

*Risk Management
Program*

5397 S. VINE STREET, SALT LAKE CITY, UTAH, 84107
TELEPHONE: (801) 265-1331 FACSIMILE: (801) 265-9485

**SECTION ONE
PREREQUISITES**

The following prerequisites must be met before the county can receive a premium credit:

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- 1.1 A risk manager or safety officer who is responsible for the implementation of the UACIM Risk Management Program must be appointed by the county Commission/Council.

Please list the name & title of the person responsible:

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- 1.2 The county must adopt a formal policy in writing establishing a Safety Committee and/or Accident Review Board (ARB). The Safety Committee or ARB must :
- a. Meet on a regular basis, but not less than quarterly;
 - b. Keep written minutes of each meeting. A copy of the minutes must be forwarded to the UACIM Loss Prevention Manager;
 - c. Review all auto accidents and may also review any injury claims, or property claims reported to UACIM

Please attach a copy of the policy establishing the Safety Committee and/or ARB.

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- 1.3 The county must respond to each risk review conducted by UACIM within 30 days of receipt of the report.

This section will be verified by UACIM staff.

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- 1.4 ALL requested information for renewal of the policy must be received by UACIM on or before **June 1, 2001** NO EXCEPTIONS.

This section will be verified by UACIM staff.

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- 1.5 Driver's licenses of all operators of county vehicles are checked:
- a. Before hire to determine status; and
 - b. Annually to determine status, restrictions, or modifications.
 - c. Provide a written statement to be received by UACIM on or before **June 1, 2001** (NO EXCEPTIONS), which lists the names of each insured whose motor vehicle report was obtained along with the reports of any insured who has any of the following offenses on the record:
 - i. DUI, drugs, alcohol, or alcohol related reckless during last 12 months,
 - ii. two or more moving violations during last 12 months, or
 - iii. drivers license revoked or suspended in the last 12 months.

This section will be verified by UACIM staff.

**SECTION TWO
CLAIMS & LITIGATION MANAGEMENT
MAXIMUM CREDIT: 7%**

The following credit is available in Section Two:



- 2.1 The county must have written policies and procedures for handling claims and lawsuits. This may be accomplished through circulation of a memo. The written policy or memo for handling claims and lawsuits must state that all lawsuits and Notice of Claims received shall be forwarded to the individual designated by the county. That person shall send a copy of all potential UACIM-covered claims by certified mail, fax, or electronically to the UACIM Claims Manager within two business days.

Please attach a copy of the policy/memo.

Maximum Credit: 4%



- 2.2 All potential UACIM-covered claims are reported to the UACIM Claims Manager within ten days after receipt of the claim along with:
- a. A completed notice of claim form;
 - b. A copy of the claim;
 - c. Copies of all relevant reports, including police reports.

This section will be verified by UACIM staff.

Maximum Credit: 1%



- 2.3 The county notifies UACIM within one business day of serious occurrences likely to give rise to litigation or significant liability. These occurrences include:
- a. Any accidents involving death, hospitalization, or personal injury;
 - b. Vehicle pursuits which result in death, injury of any person, or destruction of third party property;
 - c. Shootings involving deputies;
 - d. Involuntary terminations which the county reasonably believes might result in litigation;
 - e. Sexual harassment allegations which the county reasonably believes might result in litigation;
 - f. Planning and zoning issues where the parties threaten litigation or that are likely to result in claims or lawsuits.

This section will be verified by UACIM staff.

Maximum Credit: 2%

**SECTION THREE
VEHICLE SAFETY
MAXIMUM CREDIT: 20%**

Prerequisites. The following prerequisites must be met in order to receive credit under this section:

- a. All accidents involving county drivers (including road department and Sheriff's Office personnel) and/or vehicles that have been reported to UACIM must be reviewed by the safety committee/ARB; and
- b. Copies of the accident reviews must be sent to UACIM.

This section will be verified by UACIM staff.

The following credit is available in Section Three:

- 3.1 The county maintains written records of all maintenance performed on each county-owned vehicle or heavy equipment.

Please specify where the records are kept and who maintains them:

Maximum Credit: 2%

- 3.2 County road department personnel have been trained on how to conduct a pre-trip inspection on licensed heavy vehicles, are required to conduct pre-trip inspections, and keep written logs of the inspections in the vehicle.

Please attach a sample pre-trip inspection form used by the county.

Maximum Credit: 7%

- 3.3 The county has the following written policies:
 - a. Use of seat belts required of all drivers and passengers in county vehicles;
 - b. All accidents involving county vehicles are to be reported immediately to the department head;
 - c. All CDL holders will comply with federal and state law regarding the reporting of accidents, citations, or driving convictions involving the CDL holder. The policy, or a memo circulated to CDL holders, states clearly when the CDL must report accidents and citations.

Please attach a copy of the policies.

Maximum Credit: 2%



- 3.4 The county has, within the last five years, conducted the National Safety Council four-hour Defensive Driver Course (or an UACIM-approved or UACIM-conducted defensive driver course) for all county employees and volunteers who drive while on county business.

Please attach a copy of the attendance rosters from the DDC course(s).

Maximum Credit: 5%



- 3.5 The county

a. Requires each employee who drives a motor vehicle on county business on a regular basis and has an offense as set forth in Section 1.5, above, to complete a driver-training course which is approved by or, offered by the Mutual, prior to September 1 of the current year.

b. Requires each employee who drives a county vehicle to complete a driver's training course which is approved by, or offered by, the Mutual during the first year of that employee's employment.

Please attach a copy of the attendance roster from the defensive Driver Course.

Maximum Credit: 4%

**SECTION FOUR
PERSONNEL
MAXIMUM CREDIT: 19%**

☐ The following prerequisites must be met in order to receive credit under this section:
The following personnel policies must be adopted in writing:

- a. Established procedures for recruitment, interviewing, and hiring;
- b. Requirement that ADA compliant job descriptions be established for each county position;
- c. Prohibitions against illegal discrimination;
- d. Established procedures for discipline and termination.

Copies of these policies must be attached.

The following credit is available in Section Four:

- ☐ 4.1 The county has adopted a policy that states clearly at the beginning of the policy that the policy does not create a contract between the county and the employee.

Please attach a copy of the policy.

Maximum Credit: 2%

- ☐ 4.2 The county has written personnel policies and procedures and has distributed a copy to each employee. In the alternative, the county has made a copy available to the employee and explained to the employee in writing where a copy of the policies can be obtained for reference. Each employee has signed a statement that the employee has received and read the policy.

Maximum Credit: 2%

- ☐ 4.3 The county has adopted a written drug and alcohol testing program that is consistent with federal and state statutes. The policy contains the following elements when applicable:
- a. Pre-employment testing;
 - b. Reasonable suspicion testing;
 - c. Post accident testing in accordance with county policy;
 - d. Random testing in accordance with federal regulations for drivers holding a Commercial Driver's License (CDL);
 - e. Policy regarding positive results which includes a statement of the employee's rights

Please attach a copy of the policy.

Maximum Credit: 2%

- ☐ 4.4 The county updates the personnel policies and procedures on an annual basis and updates are circulated to all employees.

Please list the last date the policy was reviewed/updated:

Maximum Credit: 1%

- ☐ 4.5 The county trains all supervisory personnel, including elected officials, on the county's personnel policies and procedures.

Please list the training dates and attach an agenda/training materials if available.

Maximum Credit: 2%

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- 4.6 The county has adopted a written Title VII harassment policy that:
- States the type of conduct prohibited;
 - Does not require or advise the victim to address a complaint to the alleged harasser;
 - States clearly how a complaint may be made and to whom;
 - Provides for an alternate to whom a complaint may be made and at least one of the persons to whom a complaint may be made is a female; and
 - Clearly states the appeals process or refers to the county's appeals process under which an appeal for specified personnel actions may be made.

Please attach a copy of the policy.

Maximum Credit: 3%

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- 4.7 The county has adopted a conflict of interest policy which clearly states:
- When a potential for conflict occurs;
 - How to report a conflict;
 - What action can be taken against the employee if the policy is violated.
- The county has trained employees and elected officials on the policy.

Please attach a copy of the policy.

Maximum Credit: .5%

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- 4.8 The county has attended the most recent UACIM annual personnel workshop.

Maximum Credit: 2.5%

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- 4.9 The county has verified that it does/does not comply with the requirements of the County Personnel Management Act.

Please attach a statement indicating that the county does or does not comply with the County Personnel Management Act. If the county does not comply with the Act, please:

- State why, i.e. the county does not have 130 or more employees not covered by another merit system; and*
- Please state the maximum number of full-time, part-time, & seasonal employees employed by the county during the year. Include elected officials.*

Maximum Credit: 4%

**SECTION FIVE
LAW ENFORCEMENT
MAXIMUM CREDIT: 16%**

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The following prerequisites must be met in order to receive credit under this section:
The following policies must be adopted in writing:

- a. Use of force;
- b. Vehicle pursuits;
- c. Searches and seizures; and
- d. Policies regarding pornography & grievances.

Please list the sections or page numbers in the S.O. policies where the above referenced policies are located:

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5.1 All Sheriff's Office personnel receive annual training on all policies referenced in the prerequisites for this section.

Please provide a list of the dates and topics for each training session.

Maximum Credit: 2%

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5.2 All Sheriff's Office personnel receive annual training on all approved weapons.

Maximum Credit: 2%

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5.3 Sheriff's Office personnel receive annual EVO training in the same type of vehicle operated by the employee.

Please provide a list of personnel who have attended EVO training in the past year.

Maximum Credit: 7%

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5.4 The Sheriff's Office has adopted a form of the Utah Jail Standards.

Maximum Credit: 2%

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5.5 The jail has been inspected in the last twelve months for compliance with the Utah Jail Standards.

Maximum Credit: 2%



5.6 UACIM is provided a copy of the latest jail inspection report along with the Office response detailing proposed steps to address the inadequacies.

Please attach a copy of the latest report.

Maximum Credit: 1%

SECTION SIX
TRAFFIC CONTROL DEVICES
MAXIMUM CREDIT: 5%

☐ The following prerequisites must be met in order to receive credit under this section:

1. At least one copy of the Manual on Uniform Traffic Control Devices (MUTCD) must be on hand for reference by personnel responsible for the placing and maintaining of traffic control devices.
2. The county must maintain a written (or computerized) inventory of all county-maintained traffic control devices. At least 98% of all signs must be included in the inventory to qualify.

The following policies must be adopted in writing:

- ☐ 6.1 Written records of regular inspections of all traffic signs must be kept. Inspections must be conducted at least quarterly and include any maintenance conducted.

Please provide a sample of the county's inspection report form.

Maximum Credit: 2.5%

- ☐ 6.2 The county has a written emergency response program for reports of damaged or missing signs that:
- a. Specifies the employee to whom reports are to be forwarded;
 - b. Specifies the priority for response to a report of a missing or damaged sign;
 - c. Specifies that "stop" signs are to be replaced immediately, and, when necessary, the county will request the Sheriff's Office to respond to a report of missing or damaged "stop" signs at hazardous intersections until the sign is replaced; and
 - d. Requires that all reports of missing or damaged signs are kept along with a written report stating the replacement or repair date, the employee who made the repair, and the time the repair was made.

Please provide a copy of the memo or policy.

Maximum Credit: 2.5%

**SECTION SEVEN
PLANNING AND ZONING
MAXIMUM CREDIT: 7%**



The following prerequisites must be met in order to receive credit under this section:

1. The county must have adopted a General Plan in accordance with the Utah Code;
2. The county must have adopted a zoning ordinance in accordance with the Utah Code; and
3. The county must have adopted a subdivision ordinance in accordance with the Utah Code.

The following policies must be adopted in writing:



- 7.1 All members of the planning commission have received training within the previous twenty-four months regarding the legal duties of a planning commissioner.

Maximum Credit: 7%

**SECTION EIGHT
USE OF COUNTY FACILITIES BY THIRD PARTIES;
COUNTY FAIRS
MAXIMUM CREDIT: 9%**

The following policies must be adopted in writing:

- ☐ 8.1 The county has adopted a policy requiring third-party users of county-owned or leased facilities, including all facilities insured by the county through UACIM, to sign an indemnification (hold-harmless) agreement approved by the county attorney.

Please attach a copy of the policy and sample hold-harmless agreement.

Maximum Credit: 3%

- ☐ 8.2 The county has adopted a policy requiring:
- a. Liability insurance certificates from third parties using county-owned facilities, including all facilities insured by the county through UACIM;
 - b. That the insurance certificate name the county as an additional insured;
 - c. That written criteria be developed specifying when the insurance requirement might be waived;
 - d. That approval by the county governing body or its designate be obtained in writing before waiving the insurance requirement;
 - e. That copies be obtained of all certificates, and that written record of the waiver by the county of the insurance requirement and copies of certificates be kept on file for a period of at least five years; and
 - f. That the certificates be in the amount of at least \$1 million.

Please attach a copy of the policy.

Note: If your county does not have property that is leased or used by third parties, you may qualify for this credit if you provide a signed statement certifying that county facilities are not leased or used by third parties.

Maximum Credit: 3%

- ☐ 8.3 The county has a written policy that no alcohol be served at county-owned facilities, including all facilities insured by the county through UACIM, unless additional insurance has been obtained covering alcohol related services.

Please attach a copy of the policy. Counties that have a ban on alcohol at county facilities may also receive credit if the policy is attached.

Maximum Credit: 1%



8.4 When alcohol is served at county-owned facilities, the county must have written policies requiring or including the following:

- a. Additional security around the vendor selling alcohol;
- b. Hours of service (including no later than one hour before event closing time);
- c. Designation of non-drinking areas (including parking lots as non drinking areas);
- d. Stating that alcohol is not to be sold to vendors, employees of any vendor, employees of the fair, employees of any carnival, ride, or attraction, security personnel, or participants in events.

Counties that have a plan on alcohol at county facilities can receive credit if the policy governing alcohol is attached.

Maximum Credit: 1%



8.5 The county has written policies governing the use of fairgrounds, including use of arenas, buildings, and property. The rules for the use of the facilities are posted at each facility and clearly and conspicuously state that use of the facility is at the risk of the user and the county is not liable for damages or injuries.

Please attach a copy of the policy and verify that the rules are posted at each facility.

Maximum Credit: 1%

**SECTION NINE
FIRE DEPARTMENTS/AMBULANCES/EMT
MAXIMUM CREDIT: 6%**

The following prerequisites must be adopted in writing:

☐

- 9.1 The county has stated in writing the operational authority of the fire departments/ambulance services/EMT operating under county jurisdiction, and has interlocal agreements or MOUs with other jurisdictions/agencies when the fire department/ambulance service/EMT is multi-jurisdictional. The agreement or MOU clearly states how liabilities will be apportioned among the jurisdictions/agencies.

Please attach a copy of the interlocal agreement(s) and/or MOU.

The following policies must be adopted in writing:

☐

- 9.2 The county has adopted written policies and procedures establishing:
- a. What fire protection/ambulance/EMT services are provided;
 - b. What areas of the county will be serviced; and
 - c. The requirements for responding to fires and medical calls

Please attach a copy of the policies.

Maximum Credit: 1%

☐

- 9.3 The county has a written policy that all apparatus/ambulance drivers maintain EVO certification with the Utah Fire and Rescue Academy. No other persons will be allowed to drive apparatus/ambulances.

Please attach a copy of the policy.

Maximum Credit: 3%

☐

- 9.4 The county has a written policy that all fire fighters be at least wild land firefighter certified in areas where that certification is appropriate. All others will be fire fighter I certified.

Please attach a copy of the policy.

Maximum Credit: 1%

☐

- 9.5 The county has a written policy stating that a vehicle maintenance schedule be developed for county insured fire fighting vehicles and ambulances and that written records will be maintained for each vehicle.

Please attach a copy of the policy.

Maximum Credit: 1%

**SECTION TEN
SPECIAL SERVICE DISTRICTS
MAXIMUM CREDIT: 8%**

☐

- 10.1 The county has a comprehensive list of all special service districts in the county along with a list of all board members and officers for each district.

Please attach a copy of the list.

Maximum Credit: 3%

☐

- 10.2 The county has required all special service districts to provide proof of insurance, and in cases where the county deems necessary, that the special service district has named the county as an additional insured.

Please attach a copy of the proofs of insurance from each special service district listed above.

Maximum Credit: 5%

SECTION ELEVEN
ADDITIONAL CREDIT FOR INSTALLATION OF SAFETY-RELATED DEVICES AND
PROGRAMS
MAXIMUM CREDIT: 3%



- 11.1 The county may qualify for an additional credit for the installation of safety-related devices or the participation in safety related training programs for employees. Please list the device or program below, along with the cost and description of the risk or exposure the device or program is aimed at reducing or eliminating.

Maximum Credit: 3%

Credit will be determined by UACIM staff based on the responses to this section.

UACIM - Loss Prevention Committees

LAW ENFORCEMENT

- Ed Phillips, *Chairman*, Millard County Sheriff
- David R. Bateman, Utah County Sheriff
- David Carter, Juab County Sheriff

CONSTITUTED 2/20/92

LITIGATION MANAGEMENT

- Kent Sundberg, *Chairman*, Utah County Deputy Attorney
- David Blackwell, Emery County Attorney
- LeRay Jackson, Millard County Attorney
- Wally Lee, Garfield County Attorney
- Derek Pullan, Wasatch County Attorney
- Gary O. McKean, Davis County Deputy Attorney
- Dave Wilson, Weber County Deputy Attorney
- Shawn Guzman, UACIM Director

CONSTITUTED 2/20/92

PERSONNEL

- Steve Baker, *Chairman*, Davis County Personnel ~~Manager~~ *Director*
- Paul Barton, Beaver County Clerk-Auditor
- Brad Dee, Weber County Human Resources Director
- Jerry Golins, Uintah County Administrative Assistant
- Peggy Madsen, Box Elder County Personnel Director
- Susan Preator, Utah County Personnel Director
- Sandra Rees, Wayne County Clerk-Auditor
- Jim Smith, Cache County Personnel Director
- Steve Wall, Sevier County Clerk-Auditor
- David Yardley, Iron County Clerk

CONSTITUTED 6/18/92

RATING

- Lee Allen, Box Elder County Commissioner
- Gary Herbert, Utah County Commissioner

CONSTITUTED 4/14/93

WORKERS COMP ADVISORY

- Steve Baker, Davis County Personnel ~~Manager~~ *Director*
- Ross C. Blackham, Sanpete County Attorney
- Chad W. Johnson, Beaver County Commissioner
- Kent Peterson, Emery County Commissioner
- Steven C. Wall, Sevier County Clerk-Auditor

CONSTITUTED 9/29/93

AUDIT COMMITTEE

- Tex Olsen, *Chairman*, Sevier County Commissioner
- Kent Sundberg, Utah County Deputy Attorney

Lynn Lemon,

CONSTITUTED 12/21/95

ADVISORY COMMITTEE

- ~~Kay Blackwell, *Chairman*, Piute County Commissioner~~
- Suzanne Rees, Box Elder County Commissioner
- ~~Lynn Lemon, Cache County, Executive~~
- ~~Gayle Stevenson, Davis County Commissioner~~
- ~~Ted Kappen, Duchesne County Commissioner~~
- Ira Hatch, Emery County Commissioner
- Maloy Dodds, Garfield County Commissioner
- Ken Ballantyne, Grand County Commissioner
- Gene Roundy, Iron County Commissioner
- Robert Steele, Juab County Commissioner
- Norm Carroll, Kane County Commissioner
- Stephen Draper, Millard County Commissioner
- Norman Weston, Rich County Commissioner
- Bill Redd, San Juan County Commissioner
- Eddie Cox, Sanpete County Commissioner
- Gary Mason, Sevier County Commissioner
- Cloyd Harrison, Uintah County Commissioner
- Dave Gardner, Utah County Commissioner
- Gayle Aldred, Washington County Commissioner
- Scott Durfey, Wayne County Commissioner

CONSTITUTED 6/13/97

Gary A. Weston
Earl Jay Peck
Neil R. Sabin
Harold C. Verhaaren
Mark H. Anderson
Richard M. Hymas
John K. Mangum
Richard K. Hincks
Noel S. Hyde
J. Craig Smith
David B. Hartvigsen
Marilynn K. Burningham
Philip S. Lott
Scott M. Ellsworth
D. Scott Crook
Rick L. Sorensen
Brett B. Rich
Brian C. Cheney



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January 23, 2000

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Fax (801) 622-2200

Edwin W. Senior (1862-1925)
Clair M. Senior (1901-1965)
Raymond T. Senior (1903-1995)
Arthur H. Nielsen (1914-1997)

Of Counsel
Harold A. Ranquist
Clark R. Nielsen
Elwood P. Powell
Wesley M. Lang

Shawn Guzman, Esq.
UAC Insurance Mutual
5397 S. Vine Street
Salt Lake City, UT 84107

Re: Proposed Insurance Department Petition

Dear Shawn:

This letter will confirm our discussion earlier this afternoon with regard to petitioning the Utah Insurance Department for exemption from certain provisions of the Insurance Code.

While employed by the Mutual, I discussed most of these proposed changes with members of the Insurance Department staff. As you know, the Insurance Code applies basically the same regulations to both public agency mutuals and to private insurance companies. However, in some instances the rationale for the regulation, or the degree of regulation applicable to public entities differs from that applicable to private insurers. The proposed changes described below would save the Mutual time and expense in preparing and filing certain documents with the Insurance Department and/or NAIC. In addition, some of the proposed changes would resolve issues that will likely be discussed with examiners during the Mutual's next financial examination.

1. Exempt UAC Insurance Mutual from the Rate Filing Provisions of the Insurance Code.
2. Exempt UAC Insurance Mutual from filing the Insurance Expense Exhibit with the Annual Statement.
3. Relaxation of the requirement that investments (including PTIF) be filed with NAIC.
4. Relaxation of the examination procedures providing for an additional independent actuarial analysis.
5. Exempt UAC Insurance Mutual from filing quarterly reports with either the Department or with NAIC.

1 24 201 1:44PM FROM NIELSEN, SENIOR 0015521913 P. 3

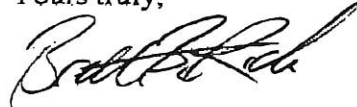
Of these proposed changes, the first three are very likely to be accepted by the Department after the appropriate administrative process. Those proposed changes numbered four and five would be subjected to closer scrutiny, but still have a reasonable chance of success. Before a petition is filed, the last examination should be reviewed again to determine whether other requests should be included.

At the present time, we are nearing the end of a similar process for another entity. That experience would certainly benefit the Mutual in this process, both in laying the groundwork with the Department and in understanding potential opposition. However, as we discussed earlier, our recommendation is that we begin this process on behalf of the Mutual immediately with the intent of applying the benefits of any changes to the upcoming Annual Statement and to the financial examination that will likely occur later this year.

Our proposed fee for the work involved in filing the petition and representing the Mutual in the various discussions and hearings with the Department is \$110.00 per hour, which is reduced from \$125.00 per hour. Based on present experience, the process will likely require between twenty (20) and thirty (30) hours. We would also be willing to work on a set fee basis, if preferred. Direct expenses will be billed in addition to the fees as in the present work Nielsen & Senior performs for the Mutual.

We appreciate your consideration of this proposal and look forward to working with you on this project. Please feel free to contact me with any questions or concerns. I would also be happy to meet with the Board of Trustees at the meeting Friday after lunch to answer any questions.

Yours truly,



Brett B. Rich

BARRETT & DAINES

N. GEORGE DAINES
W. SCOTT BARRETT*
CHRISTOPHER L. DAINES
KEVIN K. ALLEN

*ALSO ADMITTED IN CALIFORNIA
AND AMERICAN SAMOA

ATTORNEYS AT LAW
108 NORTH MAIN STREET
LOGAN, UTAH 84321

TELEPHONE
(435) 753-4000

FAX (435) 753-4002
E-Mail law@bdalaw.com

December 8, 2000

McLarens Toplis
UACIM
5397 South Vine Street
Salt Lake City, Utah 84107

RE: Browder vs. Grand County et. al. Your claim # GRA 00 087840

Gentlemen:

The Grand County Council has asked that I inform you that they have elected to pursue their remedies under the Member Coverage Agreement for failure of the UACIM to provide a defense and coverage for this action against Grand County.

You mention in your letter of May 25, 2000 that General Condition 7 of the Agreement requires Arbitration. Our copy of the Agreement has that paragraph as #5. In any event demand is hereby made for Arbitration.

Very truly yours,

BARRETT & DAINES



W. Scott Barrett

a b

RECEIVED

DEC 11 2000

MCLAREN

AFFIDAVIT OF GARY R. HERBERT

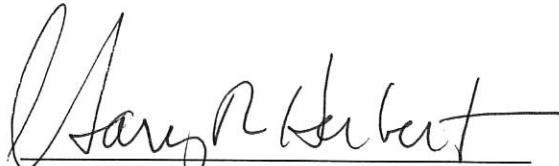
STATE OF UTAH)
 :ss
COUNTY OF SALT LAKE)

Gary R. Herbert, being duly sworn upon oath, deposes and says:

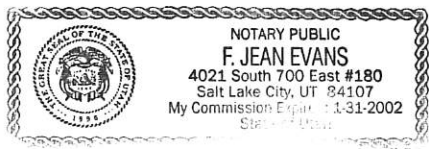
1. That the affiant has personal knowledge of the matters hereinafter referred to in this Affidavit.
2. That the Affiant, on or about the 26 day of January, 2001, presided over a meeting of the Utah Association of Counties Insurance Mutual Board of Trustees, an open and public meeting within the provisions of Chapter 4, Title 52, Utah Code Annotated, 1953, as amended.
3. That a quorum of the Utah Association of Counties Insurance Mutual Board of Trustees was present and at least two-thirds of the members present, voted to close the meeting pursuant to the provisions of Section 52-4-4, Utah Code Annotated, 1953, as amended, for the purpose of discussing the character, professional competence, or physical or mental health of an individual.
4. That the affiant was present throughout the meeting and, pursuant to the provisions of Section 52-4-7.5, the affiant does hereby affirm that the sole purpose for closing the meeting was to discuss the character, professional competence, or physical or mental health of an individual or individuals.

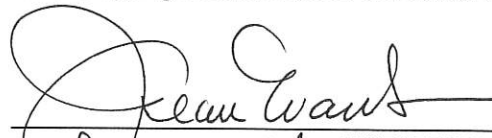
FURTHER, Affiant saith not.

DATED this 16 day of February, 2001.


GARY R. HERBERT, President
Utah Association of Counties Insurance Mutual

On the 16th day of February, 2001, personally appeared before me Gary R. Herbert, who, after being by me duly sworn, deposed and said that the information contained in the above and foregoing Affidavit is true and correct.




NOTARY PUBLIC
Residing at: Salt Lake City, Ut.
My Commission Expires: 1/31/2002

